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September 20, 2019

United States Department of Justice
Civil Division, Torts Branch
175 N Street, NE
Washington, DC 20002
United States Bureau of Prisons
Mid-Atlantic Regional Office
302 Sentinel Drive Suite 200
Annapolis Junction MD, 20701
ATTN: CLAIMS

Re: FTCA Administrative Claim re: Death of James J. Bulger

Dear Sir or Madam:

Please consider this letter as an administrative claim under the FTCA concerning acts and omissions by employees of the United States Department of Justice (DOJ), the United States Bureau of Prisons (BOP) and Marshal Service. The claim against the BOP, DOJ, and Marshal Service and its related agents includes but is not limited to correctional officers, supervisors, medical staff, administrators, regional staff, federal agents and other employees not yet identified, as well as their agents, co-conspirators, people who conspired, aided, or abetted them, and others whose identities presently are unknown.

This claim pertains to the abuse, negligence, recklessness, failure to protect, wanton and willful conduct and intentional infliction of injuries including affirmative acts and failures to act committed by members and agents of the BOP, DOJ and Marshal Service and those working in concert with them. This claim also alleges these such members and agents of the BOP, DOJ, and Marshal Service and their co-conspirators, aiders and abettors acted with a deliberate indifference to a substantial risk of serious harm to Mr. Bulger. Members of the DOJ, BOP and

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Marshal Service and their co-conspirators, aiders and abettors inflicted and allowed a multitude of abuses perpetrated from the beginning of his pretrial imprisonment on June 22, 2011 through his post-sentencing incarceration through the date of his murder at the Federal Correctional Institution at Hazelton, West Virginia, on or about October 29-30, 2018.

These acts and omissions include but are not limited to imposing and allowing conditions that were unduly extreme, the infliction of abuse, torture, deprivation of basic rights, the decisions to deprive Mr. Bulger of access to a medical/hospital facility, the decision to improperly change Mr. Bulger's medical designation, and the decision to transfer Mr. Bulger to Hazelton Prison. These acts and failures to act posed an unreasonable risk of serious injury to Mr. Bulger's health or safety and reflect the deliberate indifference to the risks manifest in their actions or failures to act. The individual and various Departments' acts led to abuse, unjustifiable punishments and pain and suffering and ultimately led to and proximately caused Mr. Bulger's death endured while in the custody of the U.S. Marshal Service, Bureau of Prisons and the Department of Justice. We expect that there are additional events, acts, and omissions on prior dates during which Mr. Bulger was in BOP/DOJ custody that are actionable as well; but we need to obtain additional information which to date, has not been provided to Mr. Bulger's family or undersigned counsel.

At this early stage and without any discovery, we do not know the identity of all people involved with the abuse of Mr. Bulger's relative to his pretrial and post-trial treatment. Moreover, we do not know the identity of all individuals involved in the decisions to change Mr. Bulger's medical designation and subsequently transfer Mr. Bulger to Hazelton FCI. We do not know the identity of all individuals who were aware of the move, the danger involved, and who provided any input or failed to act relative to the obvious dangers. Moreover, we do not know the

identity of all people involved in the decision denying his repeated requests for a transfer to a medical/hospital facility; but to the extent any and all such persons were employed by or under contract with the BOP or DOJ or Marshal Service, we believe each was acting within the line and scope of their employment at all times relevant to this matter. We also do not know the identity of those people who proximately caused Mr. Bulger's death.

We, Hank Brennan and David Schoen are counsel for Mr. Bulger's estate and we are filing this administrative claim on behalf of Mr. William M. Bulger, Jr., the duly appointed Personal Representative of the Estate pursuant to an Order granting him Letters of Authority from the appropriate court (copy attached). Mr. Bulger's date of birth was September 3, 1929 and his date of death was on or about October 30, 2018. Mr. Bulger was unmarried at the time of his death.

We have learned thus far that Mr. Bulger was subjected to various unwarranted punishments and abuses from the inception of his custody until his death. Mr. Bulger was denied appropriate access to medical care and was frequently and intentionally placed in solitary confinement without any end date or right to mitigate. After suffering severe abuse, punishments and duress, Mr. Bulger's physical/medical condition was fraudulently upgraded to effectuate a transfer and placement to FCI Hazelton on or about October 29 or October 30, 2018. Upon information and belief, Mr. Bulger was placed in general population at FCI Hazelton, notwithstanding known risks to his safety and, indeed, to his life, from such placement. Shortly after Mr. Bulger's arrival at FCI Hazelton and his placement in general population, Mr. Bulger was reportedly beaten to death by one or more unknown parties who were reportedly allowed unmonitored access to him.

Mr. Bulger's well-known and obvious frailty and declining health, hastened by the repeated infliction of punishment by those in charge or involved with his pre-trial and post-trial incarceration, should have resulted in the transfer to a hospital/medical facility rather than to a general population at a facility like FCI Hazelton. To be clear, we do not believe that the transfer to FCI Hazelton and placement in general population was simply dangerous, negligent, reckless, and irresponsible; we believe it was also intentional and part of a conspiracy among BOP, DOJ employees and others to intentionally cause Mr. Bulger's serious injuries and death. We believe BOP employees knew or had reason to believe the transfer would place him in grave danger and likely lead to his death. The affirmative actions and the omissions of BOP and DOJ employees in creating the inevitability of Mr. Bulger's murder in addition to BPO and DOJ employees' failure to take appropriate safety, security, and monitoring precautions with respect to Mr. Bulger proximately caused his tremendous pain and suffering, fear and apprehension of death, and his violent murder.

Claim is made here for the sum certain of Two Hundred Million Dollars (\$200 million) for damages and injuries, including the systematic pre-trial and post-trial treatment and imposition of deleterious conditions and restrictions including the pain and suffering, fear and apprehension, and wrongful death of Mr. Bulger, caused by the circumstances described above, including the actions and omissions of BOP, DOJ and Marshal Service employees, agents, and independent contractors whose identities presently are unknown and those with whom they might have conspired or who aided and abetted them. That is the amount that would be accepted as full satisfaction and final settlement of this claim as to the BOP and DOJ.

Please contact Hank Brennan directly if you need any additional information concerning this matter.

Sincerely,

Hank Brennan

David Schoen

Attachment